

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

I & CAD Department -Suits-Arbitration- Arbitration Award dated. 15.11.1992 in O.P No. 116/1994, on the file of the First Senior Civil Judge, City Civil Court, Hyderabad in respect of the work relating to "Formation of earth dam from K.M. 1.600 to K.M.2.850 of Right Flank of Mylavaram Dam was entrusted to M/s P.K. Ramaiah & Company vide S.E.'s Agreement No. 5 SE/71-72 dated: 25-9-1971" – Accepted the lumpsum amount of Rs. 20,00,000/- as full and final settlement of claims under Conciliation - Sanctioned -Orders –Issued.

IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O. Rt. No. 880

Dated. 09.08.2012
Read the following.

- 1) From M/s.P.K Ramaiah & Co. represented by its Managing Partner Sri. P.K Swamy, Hyderabad representation dated: 8.6.2009.
- 2) From the CE (P), I & CAD Dept., Ananthapur Lr. No. C.E (P)/ ATP/HLC/H9/2784,dated. 15.12.2010.
- 3) From the ENC (I), I&CAD. Hyd. Lr. No. DCE.I/ OTHLC/AEE2/ 56430/ VOL-VIII, dated.12.01.2011.
- 4) From the Engineer-in-Chief (FAC), Medium Irrigation, Hyd Lr.No. ENC/MED/DCE3/OT1/ARB/PK Swamy dated.02.03.2012 .

ORDER

The Chief Engineer, (P), I & CAD., Anantapur, in his letter 2nd read above, has reported that the work relating to "Formation of earth dam from K.M. 1.600 to K.M.2.850 of Right Flank of Mylavaram Dam was entrusted to M/s P.K. Ramaiah & Company, vide S.E.' Agreement No. 5 SE/71-72, dated: 25-9-1971. Certain disputes arised between the parties. As per the orders of the Hon'ble First Additional Judge, City Civil Court, Hyderabad, the same were referred to the Arbitrator. After hearing both sides, the Arbitrator has passed award on 15.11.1992 for a sum of Rs. 8,32,351/- with 18% interest. The department had opposed the above Arbitration award and filed O.P. No. 489/1992. The agency had also filed O.P. No.116/1994 before the First Senior Civil Judge, City Civil Court, Hyderabad, for making the award as rule of Court . The Court made the above Arbitration award as rule of Court on 18.12.2001 in O.P. No. 116/1994 with 12% interest P.A with effect from 9.5.1978 to till the date of issuing the order. The department have again opposed the above said judgment and decree in OP No.116/1994 and filed

P.T.O.

CMA No. 2612/2002 in the Hon'ble High Court. The Hon'ble High Court has granted interim stay with a condition to deposit an amount of Rs. 10,00,000/- out of the decretal amount of Rs. 8,32,351/- within (12) weeks from 11.7.2003 in addition to releasing of the F.D.R. Accordingly, an amount of Rs. 10,00,000/- was deposited in the First Senior Civil Judge, City Civil Court, Hyderabad. Further, the Hon'ble High Court in its order dated 16.3.2009 in CMA No. 2612/2002 and CRP No. 4369/2002 has directed both the parties to settle the matter by mutual consent and conciliation.

2. In pursuance of the above directions of the Hon'ble High Court of Andhra Pradesh, Hyderabad, the matter has been discussed in the concerned conciliation committee with the above contracting firm

3. During the final conciliation with Sri P.K Swamy, Managing partner of M/s P.K. Ramaiah & Co, Hyderabad, on 18.4.2012, he has expressed his willingness to accept the lumpsum amount of Rs. 20,00,000/- as full and final settlement of its claims including interest and any incidentals. The Managing partner of M/s P.K. Ramaiah & Co has given a declaration on a notarized affidavit stating that he withdraw all legal proceedings pending in the court in respect of the above subject work against the Government or its representative officer if the above amount is paid to him.

4. Government after careful examination of the above proposal, hereby accord sanction for an amount of Rs. 20,00,000/- (Rupees Twenty Lakhs only) as full and final settlement of the Arbitration Award dated 15.11.1992 in O.P No. 116/1994, on the file of the First Senior Civil Judge, City Civil Court, Hyderabad, in respect of the work relating to "Formation of earth dam from K.M. 1.600 to K.M.2.850 of Right Flank of Mylavaram Dam was entrusted to M/s P.K. Ramaiah & Co., vide S.E.' Agreement No. 5 SE/71-72 dated: 25-9-1971, subject to withdrawal of all legal proceedings pending in the courts in respect of the above work against the Government or its representative officer after realization of the above sanctioned amount by the said contracting firm

5. The expenditure sanctioned in para (4) above shall be debitable to the detailed Head of account under "4700- Capital outlay on Major Irrigation; 01- Major Irrigation; M.H 104- TBP HLC Stage-II; G.H 11- Normal State Plan; S.H (26) D & A; 530-Major works; 531-Other expenditure (Charged)".

6. The Engineer-in-Chief (I) I & CAD, Hyderabad / the Chief Engineer (P) I & CAD, Anantapur is directed to take necessary further action for depositing the decretal amount as sanctioned at para (4) above, in the First Senior Civil Judge, City Civil Court, Hyderabad, in OP No116/94 for avoiding further legal complications in the matter. He is also directed to instruct the disbursing officer concerned to obtain a declaration from the above contracting firm accepting the amount as full and final settlement of their claims before depositing the above sanctioned amount in the respective Court.

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7. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No. 1640/F5(.A2)/12-1, dated 02.06.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief,(I) I & CAD Dept., Errumanzil, Hyderabad.

The Chief Engineer (P) Anantapur.

The Superintending Engineer Thungabhadra Project,HLC circle,
Ananthapur

Sri P. K. Swamy , Managing Partner

M/s Ramaiah & Company, Plot No. 38,

Navanirman Nagar, Road No. 71 Jubilee Hills, Hyderabad

The Accountant General, A.P. Hyderabad.

The Director of Works Accounts, A.P Hyderabad.

The District Treasury Officer, Anantapur

The Pay and Accounts Officer, Anantapur

Copy to

The P.S to Spl. Chief .Secretary to Government I & CAD Deptt.

The Finance (W&P) Department

The Law (B)Department

The I & CAD (P&B) Department.

S.F/ S.C

//FORWARDED BY ORDER//

SECTION OFFICER